

STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)

STATE OF ILLINOIS)

Indictment No. 91 C 25414

VS.)

Charge: Murder

JESSE CLEMONS)

REPORT OF PROCEEDINGS of the hearing before
the Honorable EARL E. STRAYHORN, Judge of said Court, on
the 9th day of November, A. D., 1992.

HON. JACK O'MALLEY

State's Attorney of Cook County by

MS. KAY HANLON,

Assistant State's Attorney,
appeared for the People;

MS. RITA FRY,

Public Defender of Cook County, by

MR. FRED WELLISCH,

Assistant Public Defender,
appeared for the defendant.

I N D E X

MYRON JAMES

Direct
2

Cross
20

Redirect
34

Re-cross
37

Q. 19351
ATTACHMENT # 162

1 THE CLERK: The People of the State of Illinois
2 versus Jesse Clemons.

3 MR. WELLISCH: This is my motion to suppress
4 confession. You denied without prejudice. I have found
5 the witness, Myron James, who I would like to testify
6 today. If you would step up sir.

7 THE COURT: Stand up, put your left hand on the
8 Bible and raise your right hand, and face the clerk.

9 (Witness duly sworn.)

10 MYRON JAMES,
11 called as a witness on behalf of the defense, after
12 being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY: MR. WELLISCH

15 Q Myron, I would like you to speak up so the
16 Judge can hear you and Miss Hanlon.

17 Your name is Myron James?

18 A Yes.

19 Q J A M E S?

20 A Yes.

21 Q Do you go by any other names, or have you gone
22 by any other names?

23 A Yes.

24 Q What?

EXH. 193591

EXHIBIT 162

1 A Allan Harris.

2 Q How old are you, Myron?

3 A Eighteen.

4 Q And let me ask you this, were you arrested on
5 the night of September 25th?

6 A Yes.

7 Q Of 1991?

8 A Yes.

9 Q Where were you when you were arrested?

10 A On 51st and Justine.

11 Q Were you there with anyone else?

12 A Yes.

13 Q Who else?

14 A Diyez Owens and Steve Taylor.

15 Q Were they arrested at the same time you were?

16 A Yes.

17 Q Can you tell Judge Strayhorn what time this
18 was?

19 MS. HANLON: I am going to object. It has no
20 relevance on the motion to suppress.

21 THE COURT: Overruled, subject to your motion to
22 strike if it doesn't prove to be relevant.

23 MR. WILLISCH: Q About what time?

24 THE WITNESS: A About ten thirty or eleven.

1 Q And when you were arrested, were you put in a
2 car of some kind?

3 A Yes. I was put in a detective car.

4 Q And the people that arrested you, they were
5 detectives?

6 A No, they were in blue clothes, uniforms.

7 Q Do you know how many of them were there?

8 A Two car. Two in one and two in another.

9 Q Do you happen to remember their names?

10 A Uhh, uhh.

11 Q You said there were two cars. You say you
12 were arrested with Tremaine?

13 A Diyez Owens and Steve Taylor.

14 Q Were the three of you put in the same car?

15 A With Jesse Clemons.

16 Q Was Jesse Clemons on the street with you?

17 A Uhh, uhh.

18 Q Where did he come from?

19 A They came through the alley with him in the
20 car.

21 Q Was he ultimately put in the same car with
22 you?

23 A Yes.

24 Q Is there anyone else in the courtroom today

1 that was in the other car?

2 A His moma.

3 Q Would you point her out where she is sitting?

4 The second row toward the wall?

5 A Yes.

6 Q Consandra Clemons?

7 A Yes.

8 Q Was she with anyone?

9 A She was with Nickay.

10 Q Would that be Bonika Morgan?

11 A Yes.

12 Q Did you see them again that evening?

13 A We all went down to the station.

14 Q What station?

15 A 39th and California.

16 Q Did you and three other young men in the car
17 go directly to the station at 39th and California?

18 A Yes, sir.

19 Q When you got there, was the other police car
20 that you described with Bonika Morgan and Consandra
21 Clemons there also?

22 A Yes, sir.

23 Q When you got to 39th and California, where
24 were you taken?

1 A Upstairs.

2 Q What floor?

3 A I think it was the third floor.

4 Q Was Jesse taken up to the third floor at the
5 same time with you?

6 A Yes, sir.

7 Q Now, I am going to ask you to step down, if
8 that would be all right with the Judge, using what I am
9 going to have marked as Defense Exhibit Number 1. You
10 are going to have to stand to the side.

11 What is this a picture of?

12 A Third floor of 39th and California.

13 Q It is kind of like a lay-out diagram?

14 A Yes.

15 Q Have you seen this before?

16 A Yes.

17 Q Where did you see it?

18 A 39th and California.

19 Q Does it look similar to the way 39th and
20 California looked the evening you were there on the 25th
21 of September?

22 A Yes.

23 Q When you were brought up to the third floor,
24 where were you placed?

1 A I was placed on the bench right here.
2 Q Would you put your initials on the bench?
3 Did you see where they placed Jessie Clemons?
4 A Yes, in the room right here.
5 Q Put his initials there. That would be the
6 room right next to your bench?
7 A In back of me.
8 Q Did you see where they placed the other two
9 men that came up with you?
10 A They placed Steve Taylor in the bathroom.
11 Q Did you see them walk him into the bathroom?
12 A Yes, sir.
13 Q Did you later at some point actually see him
14 in the bathroom?
15 A Yes. I had to use the bathroom. I seen him
16 in the bathroom handcuffed right there.
17 Q What about the 4th gentleman that came up with
18 you? Where was he placed?
19 A Diyez. He back there somewhere in one of
20 these rooms.
21 Q You didn't actually see what room?
22 A I seen what door he went in. I don't know if
23 it was a room or not.
24 Q Q Was there anyone else on the third floor

1 at the time you got there?

2 A Yes, there were some more people.

3 Q Can you tell Judge Strayhorn who they were?

4 A Maury Clemons.

5 Q Maury Clemons, where was he?

6 A He was in the cage.

7 Q Would you put his initials in the cage?

8 What is that?

9 A That is the bullpen where they lock you up
10 right here.

11 Q Were there several people in the cage? Were
12 there other people besides Amaury?

13 A I didn't know them other two boys. They live
14 on the first floor, 51st and Justine.

15 Q Do you know them by a nickname?

16 A Uhh, uhh. I am familiar with they face.

17 Q Aside from the people you were placed with on
18 the third floor, were there other people placed in other
19 areas on the 3rd floor?

20 A Damoni Clemons was placed in this office right
21 here.

22 Q That would be the office right next to the
23 stairway?

24 A Yes.

1 Q Near the comander's office?

2 A Yes. Squirt. I don't know his last name. He
3 was placed in this office right here.

4 Q S. Q. I guess for that.

5 Okay, now, did you see Marcus Wiggins that
6 night?

7 A Yes.

8 Q And did you hear him at all that night?

9 A I heard him when I first came in.

10 Q What did you hear and from where did you hear
11 it?

12 A When I first came in, and they placed me on
13 the bench, I heard Marcus, he was screaming from the
14 back there.

15 Q That same area Diyez Owens was in?

16 A Yes.

17 Q How do you know it was Marcus Wiggins if you
18 didn't see Marcus Wiggins?

19 A I have been around him about thirteen years.
20 I recognized his voice.

21 Q You clearly recognized his voice?

22 A Yes.

23 Q Before we continue, first of all how long were
24 you at 39th and California altogether?

1 A For about twelve or thirteen hours.

2 Q And were you on the bench all the time, or did
3 they take you somewhere else?

4 A I was on the bench thirty or forty-five
5 minutes, and they put me in the cage.

6 Q Did you spend the rest of the time in the
7 cage?

8 A Yes.

9 Q During the time you were at 39th and
10 California, were you yourself ever hit or smacked
11 around?

12 A I didn't get touched.

13 Q Were you ever threatened by any police
14 officer?

15 A No.

16 Q Were you ever electric shocked by any officer?

17 A No.

18 Q So no physical injury was done to you
19 whatsoever, is that right?

20 A Yes.

21 Q As you were sitting on the bench in front of
22 the room they put Jesse, would you tell Judge Strayhorn
23 during that thirty to forty-five minute period what you
24 saw happening in and around that room that Jesse was in?

1 A I seen them bring Tremaine Green in Jesse's
2 room, and I seen them bring Damoni Clemons to Jesse's
3 room and Marcus Wiggins to the door and take him back.

4 Q The first person, Marcus --

5 A Tremaine Green.

6 Q Tremaine Green was actually brought into the
7 room?

8 A Yes.

9 Q How long did he stay there?

10 A Five minutes.

11 Q And then he was taken out?

12 A Yes.

13 Q The next person --

14 A Damoni Clemons.

15 Q Was he actually brought into the room?

16 A Yes, in the room.

17 Q How long did he stay there?

18 A Five minutes.

19 Q Then he was taken back to where?

20 A He was in the office.

21 Q Marcus Wiggins?

22 A They just brung him to the door and turned
23 back around. (53591)

24 Q How many police officers would you say were on

1 the third floor at 39th and California while you were up
2 there altogether?

3 A About ten or fifteen.

4 Q And what were they doing during the time you
5 were sitting on the bench?

6 A Some were in Jesse's room. Some were in
7 Damoni's room. Some in Squirt's room. Some sitting
8 around out here at desks, and some were back there
9 somewhere.

10 Q Were there police that went into Jesse's room?

11 A Police went in Jesse's room all the time.

12 Q While you were sitting on the bench, did you
13 hear anything unusual coming from Jesse's room?

14 A Jesse was screaming.

15 Q About how long did the screaming go on would
16 you say?

17 A Off and on. One minute he would scream and
18 the next he don't scream, and the next minute he would
19 scream. Off and on.

20 Q Could you hear what he was saying?

21 A Did I know what he said? I didn't hear him
22 saying nothing until he came out the room.

23 Q Let's back up. You say it went on and off
24 about about fifteen minutes?

1 A Yes.

2 Q Were the police officers in the room at the
3 time Jesse was screaming?

4 A Yes.

5 Q Obviously the door was closed?

6 A Yes.

7 Q Do you know how many were in there while you
8 heard him screaming?

9 A About four, three or four.

10 Q Would this be in addition to the ones that
11 brought Marcus Wiggins and the others?

12 A Yes.

13 Q So when Marcus Wiggins came, there would be
14 more officers?

15 A No, they were the officers in there.

16 Q Were these people in uniform or plainclothes?

17 A Suits, plainclothes.

18 Q Now, you said he screaming went on and off for
19 about fifteen minutes, but you couldn't hear him say --

20 A I couldn't hear him saying nothing, but I
21 heard him screaming.

22 Q When he came out, you said you heard him say
23 something?

24 A I'm sick.

1 MS. HANLON: Objection.

2 THE COURT: Overruled.

3 MR. WILLISCH: Q I am sick?

4 THE WITNESS: A Yes. He was holding his stomach.

5 Q Did you notice any kind of physical injury on
6 him whatsoever?

7 A I seen his hand, a bandage on his hand.

8 Q How was he walking?

9 A He was limping, holding his stomach saying he
10 is sick.

11 Q He came out of the room.

12 Why did he come out of the room at that point?
13 What was being done at that point?

14 A We fixing to go to the lineup.

15 Q Now, let me show you a couple pictures. These
16 are lineup pictures. I am going to make these Defense
17 Exhibits No. 2 and No. 3 for today's purposes.

18 (Whereupon the said photographs
19 were marked Defense Exhibits No.
20 2 and No. 3 for identification.)

21 Take a look at these two pictures if you
22 would.

23 THE COURT: Are you through with him down there?

24 MR. WILLISCH: Actually I just wanted to put the

1 lineup in where it came up.

2 Q Those pictures, what are those pictures, or
3 who are those pictures of?

4 A These pictures of us. This is in front of
5 this cage when they took that picture.

6 Q You were standing in front of the cage in a
7 lineup?

8 A No. The lineup was right here. We were
9 standing in front of the cage taking pictures. We had
10 to walk up there one by one, turn to the side, and turn
11 around.

12 Q The pictures of the lineup were taken at a
13 different place than where the actual lineup was held?

14 A Yes, this ain't the lineup.

15 Q When you had to walk away from where the
16 pictures were taken, did you walk in groups or
17 individually?

18 A Individually.

19 Q These pictures you identified of people in the
20 lineup, were they taken before or after you had to walk
21 to the door?

22 A To the door. I think after. Yes, they was
23 after. After we went right here.

24 Q Are you on Defense Exhibit 2 or 3?

1 A Two.

2 Q Is Jesse on 2 or 3?

3 A Three.

4 Q And do those pictures pretty accurately show
5 the way you guys looked on September 25th when you were
6 put in a lineup?

7 A Yes.

8 Q That is the way you looked?

9 A Yes.

10 Q And that is the way Jesse looked?

11 A Yes.

12 Q Now, after the lineup, what happened to Jesse
13 after the lineup? Where was he placed?

14 A Back in his room.

15 Q Where were you placed?

16 A In the cage.

17 Q You were taken from the rest of the group and
18 placed into the cage?

19 A Yes.

20 Q I think you stated earlier you stayed in the
21 cage for the rest of the time you were at 39th and
22 California?

23 A Yes.

24 Q Did you see anything unusual while you were in

1 the cage?

2 A They had went in Damoni's room. He was
3 hollering. When they came out of Damoni's room, he said
4 they had electric shocked him. Damoni's room right
5 there, and the cage was here.

6 Q So you communicated between Damoni's room and
7 the cage?

8 A Yes.

9 Q How long were they in there?

10 A They was in thee about fifteen minutes.

11 Q Did you see them go in with anything?

12 A Yes, little black thing, about this big, and
13 they went in there, and stayed about fifteen minutes,
14 and then they came out.

15 Q During that time you heard some screaming?

16 A Yes.

17 Q While that was happening to Damoni, was there
18 anyone in or around Jesse's room?

19 A Police stayed in Jesse's room.

20 Q Again how many, the four you talked about
21 earlier or fewer?

22 A I ain't really seen them. I seen them in the
23 room writing on paper.

24 Q At this point, was the door open?

1 A Yes, it was cracked. It was open.

2 Q In addition to what you described happening to
3 Damoni, did anything else happen to anyone else while
4 you were in the cage?

5 A Squirt. I seen them hitting him. The door
6 was wide open. I was right here. They was hitting him.

7 Q Was this after Damoni or at the same time?

8 A After Damoni.

9 Q How long were they in there hitting him?

10 A Fifteen or twenty minutes.

11 Q While they were hitting him, were there still
12 officers inside of Jesse's room?

13 A Yes.

14 Q Continuing to write?

15 A Yes.

16 Q After the officer went into Squirt's room, did
17 you notice anything unusual happening to anyone that
18 evening or early morning of the 26th?

19 A Uhh, uhh. I left on the 26th.

20 Q You left on the 26th. Did you eventually fall
21 asleep in the cage?

22 A Yes.

23 Q Is what you have described about Squirt, is
24 that the last thing that you remember?

1 A That I seen.

2 Q That you saw?

3 A Yes.

4 Q And when were you awoken on the 26th
5 approximately?

6 A Early in the morning when they released us.

7 Q Have you talked to Miss Hanlon about what you
8 told Judge Strayhorn here today?

9 A Yes. I talked to her.

10 Q So, you have told her this as well?

11 A The same thing.

12 MR. WELLISCH: If I could have just one moment,
13 your Honor.

14 Q When you left 39th and California, were you
15 released with other people?

16 THE WITNESS: A Yes.

17 Q Who were you released with?

18 A Steve Taylor, Damoni Clemons, and two others.

19 Q You weren't charged with murder at all?

20 A No.

21 Q You weren't charged with anything that night?

22 A No.

23 Q Was Jesse Clemons still in the room?

24 A I didn't see them any more when they was